

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4115 of 1998

Between:

Andhra Pradesh Beverages Corporation Ltd.,

Represented by its Depot Manager, Anantapur, Anantapur District.

..... PETITIONER

AND

1 A.R.Anjanyulu, s/o not known,

R/o Simaldoddi Village, Anantapur District.

2 V.N.Goud, s/o not known,

R/o Simaldoddi Village, Anantapur District.

3 D.Obulesu, s/o not known

R/o Simaldoddi Village, Anantapur District.

4 M.Lakshmanna, s/o not known,

R/o Simaldoddi Village, Anantapur District

5 M.Peddanna, s/o not known,

R/o Simaldoddi Village, Anantapur District.

6 M.Venkatesulu, s/o not known

R/o Simaldoddi Village, Anantapur District.

7 Presiding Officer, Industrial Tribunal-cum-Labour Court
Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mal be pleased to issue Order or direction especially one in the nature of Writ of Certiorari calling for

the records pertaining to the award in I.D.No.57/96 to 62/96,dt.17-5-1997 and published on 23-8-1997 on the file of the Labour Court, Anantapur and quash the same as being illegal, arbitrary and unjust.

Counsel for the Petitioner: MR.RAVIKANTH SHINDE

Counsel for Respondent Nos. 1 to 6: Mr O. Manohar Reddy,

Counsel for the Respondent No.7 : GP FOR LABOUR

The Court made the following :

ORDER

This writ petition is filed by the Management of Andhra Pradesh Beverages Corporation, Limited, represented by its Depot Manager, Anantapur, being aggrieved by the Award passed in I.D. Nos. 57/96 to 62/96, dated 17.05.1997 and published on 23.08.1997 on the file of the Labour Court, Anantapur.

The respondents-workmen laid a claim report before the Labour Court, Anantapur, stating that their services were terminated illegally under a composite enquiry conducted by the Management for certain charges levelled against them. A rejoinder was filed by the Management denying the allegations made by the respondents-workmen in the claim. Except the rejoinder, on either side neither any oral evidence was let in nor any documentary evidence was marked. Only on the basis of the claim statement and rejoinder filed by the Management, the Labour Court gave a finding that the removal orders are liable to be set aside and the workmen are entitled for reinstatement with continuity of services, but without back wages. Accordingly, the award was passed. Aggrieved by the same, the present writ petition is filed by the Management-A.P. Beverages Corporation Limited.

A shorn of all the details, the Award passed by the Labour Court is not supported by any documentary or oral evidence. Only on the basis of the claim statement and written rejoinder filed by the Management-petitioner, the Award was passed. Absolutely, there are no reasons given for the conclusions reached by the Labour Court. At least, the enquiry report and other material papers relied upon by the Management ought to have got marked, no such steps were taken before the Labour Court.

In view of that, without going into the other aspects, I am of the considered opinion that the Labour Court has committed an error in drawing the conclusions in the Award, without there being any oral or documentary evidence adduced on either side or at least the material which were relied upon by the Management while conducting the enquiry and the disciplinary proceedings were marked and discussed. Therefore, this is a fit case to set aside the Award and remit the matter for fresh consideration.

In the result, the award passed by the Labour Court in I.D. Nos. 57/96 to 62/96, dated 17.05.1997 and published on 23.08.1997 is set aside. The Labour Court is directed to take up the matter afresh and also decide the preliminary issue as to the validity of the domestic enquiry conducted by the Management and if the Labour Court comes to the conclusion that the domestic enquiry is vitiated, it may permit the workmen and the Management to adduce evidence to substantiate their respective stands and dispose of the matter on merits within a period of six months from the date of receipt of the copy of this order. It is needless to say that the management and workers are at liberty to lead evidence to substantiate their claims at least by filing the relevant documentary evidence.

The writ petition is disposed of accordingly.

C.V.RAMULU, J

9th June, 2005

vp.

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SECTION OFFICER

To

1. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Ananthapur,
Anantapur District

2. The Government Pleader for Labour, High Court buildings, Hyderabad
(O.U.T.)
3. 2 C.D. copies